



**Judicial Council of California**  
**Court Interpreters Advisory Panel Meeting**  
Renaissance Parc 55 Hotel, San Francisco, California  
February 24, 2004

**Meeting Minutes**

***Panel Members Present***

Hon. Eileen C. Moore, Chair  
Ms. Judy Arasé  
Mr. Mark A. Arnold  
Ms. Hanh Chung  
Ms. Mary Majich Davis  
Ms. Susan Eadie  
Mr. Lorenzo Hurtado  
Ms. Sue Mi Jones  
Hon. John M. Pacheco  
Mr. Melvin Toomer  
Mr. Michael A. Tozzi  
Mr. Nestor O. Wagner  
Mr. Richard C. Weatherby

***Advisory Members Present***

Mr. Charles D. Brown  
Mr. Gregory Drapac

***Panel Members Absent***

Hon. Dan Thomas Oki  
Ms. Pauline Annarino  
Mr. José Octavio Guillén  
Mr. Charles J. Légier  
Mr. Hiram Torres  
Ms. Michelle Watté

***Judicial Council Liaison***

Hon. Jack Komar

***Judicial Council Liaison Absent***

Mr. Alan Slater

***Administrative Office of the Courts***

***Executive Office***

Mr. Ronald G. Overholt, Chief Deputy Director

***Human Resources Division***

Ms. Susan Hough, Director  
Ms. Linda Ashcraft, Manager Labor and Employee  
Relations Unit

***Court Interpreters Program Unit***

Mr. Ricardo Beacon, Manager  
Ms. Berta Alicia Bejarano  
Ms. Debbie Chong-Manguiat  
Ms. Zoë Christopher  
Mr. José Manuel Muñoz  
Ms. Elizabeth Tam  
Ms. Janette Zupnik

***Office of Governmental Affairs***

Ms. Eraina Ortega

***Others Present***

Mr. Arturo Cásarez, President,  
California Court Interpreters Association (CCIA)  
Ms. Mary Lou Aranguren, Bay Area Court  
Interpreters (BACI)  
Ms. Ann Weatherby (CCIA)

***Trial Court Presiding Judges Advisory Committee***  
***Liaison Absent***

Hon. Edward Forstenzer

## **I. Call to Order**

Justice Eileen C. Moore called the meeting to order at 9:05 a.m. She welcomed Ms. Mary Majich Davis back, and the remaining panel members introduced themselves. Justice Moore then introduced new members of the Court Interpreters Program (CIP) unit staff, Ms. Zoë Christopher, secretary and assistant to Mr. Ricardo Beacon, and Ms. Janette Zupnik, linguistics analyst.

### **A. Assignments**

Ms. Debbie Chong-Manguiat was named timekeeper for the meeting.

### **B. Approval of the Previous Meeting's Minutes**

**Motion.** Mr. Michael Tozzi moved to approve the minutes of the past meetings of February 25, May 31, and October 18, 2003.

**Second.** The motion was seconded.

**Discussion.** Mr. Charles Brown corrected the May 31 minutes to include himself as present at that meeting. Mr. Richard Weatherby and Ms. Hanh Chung questioned the characterization of the motion on the 100-day limitation in the October meeting minutes. Justice Moore read the transcription of the motion verbatim.

**Motion.** Mr. Tozzi withdrew his original motion to approve the past three meeting minutes collectively. He amended the motion to approve each set of minutes separately. Mr. Tozzi moved to approve the minutes of February 25, 2003.

**Second.** The motion was seconded.

**Motion passed.**

**Motion.** Mr. Tozzi moved to approve the minutes of May 31, 2003, amended to include the correction made by Mr. Brown.

**Second.** The motion was seconded.

**Motion passed.**

**Motion.** Mr. Tozzi moved to approve the minutes of October 18, 2003.

**Second.** The motion was seconded.

**Motion passed.**

## **II. CIP Unit Presentation**

Mr. Beacon provided an overview of the CIP unit's activities and projects. His presentation included the vision and mission statements of the unit; the organizational infrastructure of the unit and how it interfaces with its constituencies; the services it provides to interpreters and to the courts; and the projects staff is currently undertaking.

### **III. Update on 100-Day Limitation**

- A. Ms. Eraina Ortega of the Administrative Office of the Courts' (AOC's) Office of Governmental Affairs (OGA) explained the legislative process for addressing issues that are raised by individual courts and described Senator Escutia's possible role in any proposed amendments to Senate Bill 371.
- B. Mr. Beacon and Ms. Elizabeth Tam presented a report of data gathered from the Court Interpreters Data Collection System (CIDCS) regarding responses to the 100-day limitation survey.

**Discussion.** Noting that the purpose of SB 371 was to provide an employee status for independent contractors, Mr. Ron Overholt stated that the AOC's executive office will continue to address court and interpreter concerns with Senator Escutia. The survey was done to assess to what degree there may be problems affecting the availability of interpreters to the courts. Some panel members expressed concern that interpreters may feel that it is more profitable relinquishing their certification rather than being subject to the 100-day limitation. Mr. Greg Drapac noted that the survey does not reflect the interpreters who lessen their commitment to the courts as a result of the 100-day limitation. Ms. Davis raised the issue that certified interpreters are reluctant to travel long distances to isolated courts when they have options closer to home.

Mr. Beacon stated that the chairs of the Regional Employment and Labor Relations Committees (RELRC) are addressing issues pertaining to mileage reimbursement, cross-assignments, work hours, and protocol for exhausting the certified interpreter pool before seeking the services of noncertified interpreters. Mr. Brown requested clarification on what he has been recently told about pro tempore interpreters being treated differently from opt-out interpreters.

**Action.** It was agreed that panel members need more information before any response to interpreters could be provided.

### **IV. Presentations From the Public**

- A. California Court Interpreters Association (CCIA)  
Mr. Arturo Cásarez, president, read a message addressing CCIA's continued opposition to SB 371 and requested a response from the AOC. He distributed copies of two letters sent to him by the AOC regarding independent contractor status, and the lack of a CCIA designee on the Court Interpreters Advisory Panel (CIAP). He also addressed matters pertaining to opt-out and pro tempore status.

B. Bay Area Court Interpreters (BACI)

Ms. Mary Lou Aranguren addressed employee vs. independent contractor status. She also discussed the fact that noncertified interpreters are not subject to the 100-day limitation.

V. **Mandarin, Armenian, and Russian Language Test Dates**

Cooperative Personnel Services (CPS) is prepared to administer the new tests for Mandarin and Armenian. Mr. José Manuel Muñoz stated that one reason for postponing the tests in these newly certified languages is to allow staff to determine if and how the tests will affect pro tempore interpreters in these languages. Ms. Zupnik is currently working with CPS to determine whether the Cantonese examination and the new Mandarin examination include testing in both traditional and simplified script.

**Discussion.** Mr. Lorenzo Hurtado asked who collected the data that are being applied. Ms. Zupnik responded that 20 percent of CPS's experts are interpreters while the rest are Ph.D.s in Mandarin and Cantonese. The data are also based on current immigration statistics.

Ms. Zupnik reported that the Armenian examination currently targets the Eastern Armenian dialect and that the option of developing a Western Armenian test is being investigated. Staff is in the process of gathering data from existing Eastern and Western Armenian interpreters to determine if and how they will be affected.

Ms. Judy Arasé spoke to five aspects of the testing process that will ensure that it is fair and rational:

1. pre-test period that ensures adequate notification;
2. testing that is available to all who want it;
3. assessment that includes quality control, an appeal process, and review by third parties;
4. post-test procedure that addresses the currently registered interpreters who don't pass; and
5. continuing assessment of interpreter performance by judges in the courtroom.

Mr. Muñoz stated that the Russian examination is scheduled to be developed and administered by the September/October 2004 testing cycle.

**Motion.** Mr. Tozzi moved to postpone the Russian examination until the September/October testing cycle.

**Second.** The motion was seconded.

**Motion passed.**

**Motion.** Mr. Tozzi moved to postpone the Eastern Armenian examination until October, with immediate notification to interpreters as to timing and content.

**Second.** The motion was seconded.

**Motion passed.**

**Motion.** Mr. Tozzi moved to postpone the Mandarin examination, which will include both traditional and simplified scripts, until the September/October testing cycle, with immediate notification to interpreters as to timing and content.

**Second.** The motion was seconded.

**Motion passed.**

## **VI. Update on CIAP Work Plan**

Mr. Muñoz noted that the CIAP work plan was one of very few that were approved as submitted to the Judicial Council's Executive and Planning Committee.

A. Ms. Tam addressed the CIAP's motion that the Judicial Council develop a manual for judicial officers, that outlines the proper use of interpreters in the courtroom. Because a bench handbook covering this matter already exists, Ms. Tam suggested that staff develop a job aid to supplement the material in the bench handbook.

**Motion.** Mr. Tozzi moved that the Chair direct that the handbook be updated by the Rules and Standards Subcommittee, and that the CIAP approve the job aid to be developed by the CIP.

**Second.** The motion was seconded.

**Motion passed.**

B. Mr. Muñoz addressed the CIAP's motion that the Judicial Council consolidate the codes and rules of court pertaining to court interpreters into one chapter in the Code of Civil Procedure. He stated that additional input from the Office of Governmental Affairs (OGA) and the Office of the General Counsel (OGC) was needed.

**Motion.** Mr. Tozzi moved that the AOC develop an interpreter management act, to be implemented by 2006, consolidating all codes and rules of court into an act the Jury Management Act.

**Second.** The motion was seconded.

**Motion passed.**

## **VII. Executive Session** (closed to the public)

## **VIII. American Sign Language**

Ms. Susan Eadie provided an overview of the development of American Sign Language (ASL) legislation and the certification process for ASL interpreters. She also addressed some of the challenges and concerns faced by ASL interpreters in the courtroom.

## **IX. Updates on SB 371 and SB 818**

### **A. Cross-Assignment Guidelines**

Ms. Tam provided an update on the recent fast-track trainings about cross-assignments, which were held in San Francisco, Sacramento, and Burbank.

**B. FAQs**

The CIP staff compiled a frequently asked questions document on SB 371 for local court coordinators. It currently is being reviewed by the OGC and will be e-mailed to the CIAP members when it is completed.

**X. Update on Discipline Rule**

Mr. Muñoz continues to collaborate with OGC staff to address issues raised by the Judicial Council's Rules and Projects Committee (RUPRO) regarding the interpreter discipline rule. The Judicial Council will likely address the rule in April 2004.

**XI. Update on Form IN-120 (*Certification of Unavailability of Certified Interpreters*)**

Mr. Muñoz reported that staff research revealed that changing the language in the IN-120 form may not be the most effective way of ensuring that court personnel follow the stated rules pertaining to assignment priority, and that this matter should be addressed at the court level.

**XII. Ethics Manual**

Ms. Berta Bejarano reported that the ethics manual is being revised. She asked panel members to submit concise suggestions to her by March 9, 2004. After she compiles the panel's comments, she will submit them to the Education and Testing Subcommittee for review. It will then go to the CIAP, then to the OGC, then back to the CIAP, and then to RUPRO.

Mr. Drapac asked whether ASL interpreters will be included in the ethics manual. Mr. Muñoz suggested that staff consult with Ms. Eadie and Ms. Pauline Annarino regarding ASL issues and that further analysis be made before he and Ms. Bejarano make recommendations to the committee. Mr. Hurtado wanted to know if ASL interpreters will now be required to take the ethics workshop and to pay the annual \$85 fee for a certification badge. Ms. Eadie feels that they should be subject to the same requirements as spoken language interpreters.

**XIII. General Updates**

**A. Removal of Social Security Numbers From Master List**

Ms. Bejarano informed the panel that staff contacted the 25 interpreters whose social security numbers appear on the AOC's master list as their certification numbers. Of those, 4 decline to remove their numbers, 10 will get new certification numbers, and 11 did not respond.

**B. Training Videos**

Staff is in the process of obtaining existing training videos for the bench.

**XIV. Subcommittee Reports**

**A. Human Resources Strategies Subcommittee**

Mr. Hurtado reported that, now that the Executive Committee has approved the strategic work plan for the panel, the subcommittee will meet in two weeks.

B. Education and Testing Subcommittee

Mr. Weatherby reported that a conference call took place a week ago, and he would like future meetings to be scheduled over the lunch hour. The subcommittee discussed the possibility of establishing a grace period by which pro tempore employees must pass the Mandarin and Cantonese written tests. This month, the subcommittee has handled 10 applications for continuing education requests.

C. Rules and Standards Subcommittee

Mr. Drapac reported that the subcommittee will be meeting soon.

**XV. Topic Items for Next Meeting**

Discuss potential items for the 2005 language survey.

**Motion.** Mr. Weatherby moved that Ms. Zupnik be put on the front line of the 2005 language survey, because of her expertise in linguistics, in order to properly address the languages that will be designated in 2005.

**Second.** The motion was seconded.

**Motion passed.**

**XVI. Closing**

A. The next meeting will be scheduled for sometime in May or June.

B. Justice Moore adjourned the meeting at 3:40 p.m.